

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed March 25, 2008. Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 16-19 and 21-41 were pending. Claims 24 and 39-41 have been canceled without prejudice to further prosecution on the merits. Claims 16-19, 21, 23, 25-29 and 31-36 have been amended. New Claims 42 and 43 have been added to provide claims of varying scope. No new matter has been added. Accordingly, Claims 16-19, 21-23, 25-36, 42 and 43 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Allowable Subject Matter

On page 6 of the Detailed Action, the Examiner indicated that Claims 16-23 are allowed and that Claim 26 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this notice of allowable subject matter.

With regard to Claims 16-23, Applicant has amended independent Claim 16 for clarity to correct a typographical error appearing in the claim. Specifically, the term “the” was repeated in line ten and has been deleted. Applicant has also amended several of the dependent claims for clarity so that the format of the dependent claims is consistent throughout the application.

Further, while Applicant agrees that Claim 16 recites a combination of subject matter that is patentable over the cited references, Applicant does not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Applicant notes that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. Applicant expressly reserves

the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

With regard to Claim 26, Applicant has chosen to rewrite Claim 26 in independent form to include all of the limitations of its respective base claim (i.e., Claim 24) and any intervening claims. Accordingly, Applicant requests favorable consideration and allowance of independent Claim 26. Dependent Claims 25, 27-36 and 43, as they now depend from independent Claim 26, are allowable therewith for at least the same reasons, without regard to the further patentable limitations set forth in such claims.

Despite rewriting Claim 26 in independent form, Applicant wishes to make it unmistakably clear that it does not agree to or acquiesce in the claim rejections detailed below. Claim 26 has been rewritten in independent form only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner. It should also be noted that Applicant has once again amended certain of the dependent claims for clarity so that the format of the dependent claims is consistent throughout the application.

Claim Rejections – 35 U.S.C. § 102(b) / 35 U.S.C. § 103(a)

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 24-25 and 27-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,179,706 to Yoshinori et al. ("Yoshinori et al."). On page 4 of the Detailed Action, the Examiner rejected Claims 31-35 under 35 U.S.C. § 103(a) as being unpatentable over Yoshinori et al. in view of U.S. Patent No. 6,439,658 to Ganz et al. ("Ganz et al."). On page 5 of the Detailed Action, the Examiner rejected Claims 36 and 39-41 as being unpatentable over Yoshinori et al. in view of U.S. Patent No. 6,106,057 to Lee ("Lee"). On page 6 of the Detailed Action, the Examiner rejected Claims 37-38 under 35 U.S.C. § 103(a) as being unpatentable Ganz et al.

Applicant believes that these rejections are now moot. As set forth above, Claims 24 and 37-41 have been canceled without prejudice to further prosecution on the merits and the

remaining claims depend from a claim that the Examiner has previously indicated is allowable. Accordingly, Applicant respectfully requests withdrawal of these rejections and allowance of the remaining claims.

New Claims

Applicant has added new dependent Claims 42 and 43 to provide claims of varying scope. Dependent Claim 42, as it depends from independent Claim 16, and dependent Claim 43, as it depends from independent Claim 26, are allowable therewith for at least the same reasons, without regard to the further patentable limitations set forth in such claims. Accordingly, Applicant respectfully requests allowance of new dependent Claims 42 and 43.

* * *

Applicant respectfully submits that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicant's claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicant respectfully puts the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper

or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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